

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

LEILA HEWITT, INDIVIDUALLY, AND ON
BEHALF OF ALL WRONGFUL DEATH
BENEFICIARIES OF CHARLES HEWITT, DECEASED PLAINTIFFS

VS. CAUSE NO. 3:11-cv-00449-WHB-LRA

FRANKLIN COUNTY MEMORIAL HOSPITAL,
BENJAMIN YARBROUGH, M.D., AMERICAN
MEDICAL RESPONSE, INC., JOHN DOES
1-5 AND XYZ CORPORATIONS 1-5 DEFENDANTS

ORDER OF DISMISSAL

CAME ON, the motion of the Plaintiff, Leila Hewitt individually, and on behalf of all wrongful death beneficiaries of Charles Hewitt, deceased, joined in by the Defendants, Franklin County Memorial Hospital and Benjamin Yarbrough, M.D., in his Representative Capacity and the Court does find as follows:

1.

Plaintiff filed her Complaint [Docket 1] in this cause on April 8, 2011.

2.

The Franklin County Memorial Hospital filed its Answer and Defenses of Defendants Franklin County Memorial Hospital and Benjamin Yabrough, M.D., In His Respective Capacity [Docket 7] on May 23, 2011.

3.

By Opinion and Order [Docket 39] dated December 20, 2011 the Court dismissed

all claims alleged against Dr. Benjamin Yabrough, M.D. in his individual capacity, with prejudice, based upon the immunity provided by the Mississippi Tort Claims Act.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that Defendants, Franklin County Memorial Hospital and Benjamin Yabrough, M.D., in his Representative Capacity are dismissed with prejudice, with each party to bear its own costs.

ORDERED this the 22nd day of October, 2012.

s/William H. Barbour, Jr.
UNITED STATES DISTRICT JUDGE

SUBMITTED BY:

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